

IN THE HIGH COURT OF JUDICATURE AT BOBBY
CRIMINAL APPELLATE JURISDICTION
CRI.ANTI.BAIL APPLICATION NO. 5438 OF 2004

Shri Ramjibhai Umidbhai Patel .. Applicant.

V/s.

The State of Maharashtra .. Respondents.

Shri A.H.H. Ponda for Applicant.
 Shri D.R. More, APP for Respondent- State.
 Mrs. Mallika A. Ingale for the Complainant.

CORAM : A.M.KHANWILKAR, J.
DATED : DECEMBER 15, 2004

PC :-

. Heard the learned counsel for the parties.
 Perused the record.

2. In the facts of the present case it is seen that the transaction in question is alleged to have taken place in the year 1999. No grievance has been made till filing of the criminal complaint by the Complainant. The applicant, through Advocate, had given notice on 19th July, 2003 to the Complainant. The criminal complaint as filed is obviously counter blast to the stand taken by the applicant. Assuming that the case made out by the complainant is to be accepted as it is, they are relying on the jhangad to show that the diamonds in question were handed over to

the applicant on approval basis and not for sale. These receipts in the first place have been produced now for the first time during the investigation. Be that as it may, at best to establish the contents of the said jhangad against the applicant, the alleged signature appearing on the jhangad will have to be established for which custodial interrogation may not be necessary. As it is possible to take the view that the dispute in question is of civil nature and taking over all view of the matter, I am inclined to grant anticipatory bail to the Applicant but on certain strict conditions as follows :-

(a) The Applicant is granted anticipatory bail in connection with M.E.C.R.No. 19 and 21 of 2004, registered with G.B., C.B., C.I.D., E.O.W. on executing personal bond in the sum of Rs. 5,00,000/- (Rs. Five lakhs only) with one or two local sureties in the like amount.

(b) The Applicant shall regularly report to the investigating officer on daily basis for a period of eight days from tomorrow between 4 p.m. to 7 p.m. and thereafter, as and when called by the investigating officer for the purpose of

investigation.

(c) During the investigation if it appears that the Applicant is not co-operating and has withheld any information, it will be open to the State to apply for cancellation of the anticipatory bail, as granted under this order.

(d) The anticipatory bail shall enure till filing of the chargesheet. On filing of the chargesheet, the Applicant shall surrender before the appropriate court and apply for regular bail.

(e) The applicant shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

(f) The Applicant shall not leave the jurisdiction of the investigating agency without giving prior intimation to the investigating officer.

3. Ordered accordingly.

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